

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**CRIMINAL MINUTES – JURY TRIAL
Day 1**

Case No.: 4:18CR00011

Date: 10/7/2019

Defendant:

4:18-cr-00011-MFU-RSB-1 Marcus Jay Davis
4:18-cr-00011-MFU-RSB-2 Kevin Lamont Trent, Jr.
4:18-cr-00011-MFU-RSB-3 Kanas Lamont'e Trent
4:18-cr-00011-MFU-RSB-4 Deshaun Lamar Trent
4:18-cr-00011-MFU-RSB-5 Phillip Daekwon Miles
4:18-cr-00011-MFU-RSB-6 Shabba Larun Chandler
4:18-cr-00011-MFU-RSB-8 Ashley Tiana Ross
(bond)
4:18-cr-00011-MFU-RSB-10 Tenikqua Fuller (bond)

Counsel:

Tony Anderson, Bev Davis
Aaron Cook, Jimmy Turk
Bonnie Lepold, Mike Hemenway
Chris Kowalczyk, Patrick Kenney
Tyson Daniel, Cary Bowen
Aaron Houchens, Jeff Dorsey
Terry Grimes

Corey Diviney

PRESENT:	JUDGE:	Michael F. Urbanski, CUSDJ
	TIME IN COURT:	9:25-11:15; 11:36-3:02; 3:25-5:03 6h 54m
	Deputy Clerk:	Kristin Ayersman
	Court Reporter:	Judy Webb
	U. S. Attorney:	Heather Carlton, Ron Huber, Michael Newman
	USPO:	Kim Falatic
	Case Agent:	Devin Taylor, FBI, Officer
	Interpreter:	none

LIST OF WITNESSES

GOVERNMENT	DEFENDANT
1.	1.

PROCEEDINGS:

Panel 1 – 19 present jurors present and sworn on Voir Dire. Collective voir. US moves for warrant re witness Bowens who did not appear on subpoena today – clerk to issue warrant. US states dft Chandler omitted from Cts 10 and 11. Recess 11:15 Reconvene 11:36 Collective voir dire continued. Individual voir dire. Recess 3:02 Reconvene 3:25 Court addresses US Witness Ms. Wilson – she is not released from her subpoena and will

be told when she will need to appear. Court addresses parties re plan for rest of jury panels for the remainder of the week. Challenges for cause will be taken daily. No objection from defense counsel/US to the panel plan. Individual voir dire continued. Jurors return to courtroom for dismissal 4:21. Court addresses panel – those who need to come back will be contacted and told when to report. Jurors dismissed 4:26. Jurors called back – court addresses jurors about no reading, discussing, researching, communication re case. Court orders media not to report anything personal about any juror, or anything that is said here re strikes. Strikes for cause taken. Court minds US to provide information to court re video. Court addresses member of press re juror information.

Recess 5:03

struck jurors struck for cause.

struck jurors struck by Government.

struck jurors struck by Defendant.

jurors sworn member jury impaneled and sworn. Remaining jurors discharged.

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Preliminary remarks and instructions to jury by Court.

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United States of America or Defendant makes oral Motion to Exclude Witnesses from Courtroom. Court grants motion.

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Opening Statements by counsel.

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Government presents evidence.

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Government rests.

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Defendant makes Motion for Judgment of Acquittal.

Court ☐ grants ☐ denies ☐ takes under advisement.

☐

Defendant presents evidence.

☐

Defendant rests.

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Defendant renews Motion for Judgment of Acquittal.

Court ☐ grants ☐ denies ☐ takes under advisement.

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Rebuttal evidence.

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Surrebuttal evidence.

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Closing Arguments.

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Jury Instructions given to Jury.

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Objections to Jury Instructions by U.S.A and/or Defendant.

Court ☐ overrules ☐ grants.

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Jury retires to deliberate at Time retired.

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Jury returns at Time returned.

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Jury Verdict: Verdict?

☐ Jury polled.

☐

Polling waived.

☐ Mistrial declared.

☐

Jury discharged.

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Motions after verdict:

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Sentencing set for _____.

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Sentencing to be set by Clerk.

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Court orders Presentence Report.

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Defendant remanded to custody.

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Defendant to remain on bond.

Additional Information:

Court addresses parties re motions filed 10/6/19 re discovery. US has not responded to the motion yet. Court asks US to address now. Court directs US to provide to the court, copies of any interviews, or summaries, of Deshawn Anthony, and is to inform court what may be material. Court doesn't need to hear response from dfts as those have been filed. US would like to release a witness, and notes there are a few no shows, asks that those four who did appear will need to be reminded that they will need to reappear when advised – released for today but not from subpoena. US will ask for warrants on no shows. Mr. Anderson states that one of the no

shows is supposed to be on her way here now, and states that Deshawn Anthony may be called by defense. Mr. Kowalczyk addresses issues. Mr. Cook notes his motion was granted re USMS – court addresses. Mr. Cook notes objection for the record. Court overrules objection as stated. Mr. Hemenway notes articles in local papers that were inflammatory and should be addressed during voir dire. US would like to address corrections to preliminary jury instructions – Mr. Chandler has been omitted from cts 10 and 11. US states that Ms. Rottenborn and Mr. Baudinet are not appearing in the case. Jury enters courtroom 10:01.